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10 Attorneys for Plaintiff

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA,) No. CR 10-0256 MHP
17 Plaintiff,)
18 v.) STIPULATION AND ~~PROPOSED~~ ORDER
19 CARLOS ALEJANDRO GARZA-LOPEZ,) CONTINUING STATUS HEARING FROM
20 Defendant.) MAY 17, 2010 TO JUNE 28, 2010 AND
21) EXCLUDING TIME UNDER 18 U.S.C. § 3161

22 The parties are scheduled to appear before this Court for status on May 17, 2010 at 10:00
23 a.m. The parties have just received the immigration court hearing tape in this matter, and need
24 additional time to review it, and for defense counsel to determine whether an affirmative motion
25 to dismiss is appropriate. By agreement of the parties, the parties request that the matter be
26 continued to June 28, 2010.

27 The parties also agree that the time between May 17, 2010 and June 28, 2010 should be excluded
28 under the Speedy Trial Act. The continuance is necessary for effective preparation of counsel

1 and the ends of justice is served by granting such a continuance outweigh the best interests of the
2 public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A), (h)(7)(B)(iv).

3 SO STIPULATED:

4 JOSEPH P. RUSSONIELLO
5 United States Attorney

6
7 DATED: May 14, 2010

_____/s/
8 PATRICIA SPALETTA
Special Assistant United States Attorney

9
10 DATED: May 14, 2009

_____/s/
11 ELIZABETH FALK
Counsel for Carlos Alejandro Garza-Lopez

12
13 **ORDER**

14 For the reasons stated above, the Court finds that the continuance of time for the next hearing
15 before this court from May 17, 2010 to June 28, 2010 is warranted because the failure to grant
16 the requested continuance would deny the defense effective preparation of counsel; thus, the ends
17 of justice served by the continuance outweigh the best interests of the public and the defendant in
18 a speedy trial. 18 U.S.C. § 3161(h)(7)(A), (h)(7)(B)(iv).

19
20 DATED: 5/14/2010

21 THE HON. MARILYN H. PATEL
United States District Judge

